

Introduced by Senator Ashburn

February 22, 2008

An act to amend Section 2836.1 of the Business and Professions Code, relating to nursing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1639, as introduced, Ashburn. Nurse practitioners.

Existing law, the Nursing Practice Act, provides for the certification and regulation of nurse practitioners. The act authorizes a nurse practitioner to furnish drugs or devices under standardized procedures or protocols when, among the requirements, the drugs and devices furnished or ordered are consistent with the practitioner's educational preparation or for which clinical competency has been established and maintained.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2836.1 of the Business and Professions
- 2 Code is amended to read:
- 3 2836.1. Neither this chapter nor any other provision of law
- 4 shall be construed to prohibit a nurse practitioner from furnishing
- 5 or ordering drugs or devices when all of the following apply:
- 6 (a) The drugs or devices are furnished or ordered by a nurse
- 7 practitioner in accordance with standardized procedures or
- 8 protocols developed by the nurse practitioner and the supervising

1 physician and surgeon when the drugs or devices furnished or
2 ordered are consistent with the practitioner's educational
3 preparation or for which clinical competency has been established
4 and maintained.

5 (b) The nurse practitioner is functioning pursuant to standardized
6 procedure, as defined ~~by~~ *in* Section 2725, or protocol. The
7 standardized procedure or protocol shall be developed and
8 approved by the supervising physician and surgeon, the nurse
9 practitioner, and the facility administrator or the designee.

10 (c) (1) The standardized procedure or protocol covering the
11 furnishing of drugs or devices shall specify which nurse
12 practitioners may furnish or order drugs or devices, which drugs
13 or devices may be furnished or ordered, under what circumstances,
14 the extent of physician and surgeon supervision, the method of
15 periodic review of the nurse practitioner's competence, including
16 peer review, and review of the provisions of the standardized
17 procedure.

18 (2) In addition to the requirements in paragraph (1), for Schedule
19 II controlled substance protocols, the provision for furnishing
20 Schedule II controlled substances shall address the diagnosis of
21 the illness, injury, or condition for which the Schedule II controlled
22 substance is to be furnished.

23 (d) The furnishing or ordering of drugs or devices by a nurse
24 practitioner occurs under physician and surgeon supervision.
25 Physician and surgeon supervision shall not be construed to require
26 the physical presence of the physician, but does include ~~(1)~~
27 ~~collaboration~~ *all of the following*:

28 (1) *Collaboration* on the development of the standardized
29 ~~procedure, (2) approval procedure.~~

30 (2) *Approval* of the standardized ~~procedure, and (3) availability~~
31 *procedure.*

32 (3) *Availability* by telephonic contact at the time of patient
33 examination by the nurse practitioner.

34 (e) For purposes of this section, no physician and surgeon shall
35 supervise more than four nurse practitioners at one time.

36 (f) (1) Drugs or devices furnished or ordered by a nurse
37 practitioner may include Schedule II through Schedule V controlled
38 substances under the California Uniform Controlled Substances
39 Act (Division 10 (commencing with Section 11000) of the Health
40 and Safety Code) and shall be further limited to those drugs agreed

1 upon by the nurse practitioner and physician and surgeon and
2 specified in the standardized procedure.

3 (2) When Schedule II or III controlled substances, as defined
4 in Sections 11055 and 11056, respectively, of the Health and Safety
5 Code, are furnished or ordered by a nurse practitioner, the
6 controlled substances shall be furnished or ordered in accordance
7 with a patient-specific protocol approved by the treating or
8 supervising physician. A copy of the section of the nurse
9 practitioner's standardized procedure relating to controlled
10 substances shall be provided, upon request, to any licensed
11 pharmacist who dispenses drugs or devices, when there is
12 uncertainty about the nurse practitioner furnishing the order.

13 (g) (1) The board has certified in accordance with Section
14 2836.3 that the nurse practitioner has satisfactorily completed ~~(1)~~
15 ~~at both of the following:~~

16 (A) At least six month's physician and surgeon-supervised
17 experience in the furnishing or ordering of drugs or ~~devices and~~
18 ~~(2) a devices.~~

19 (B) A course in pharmacology covering the drugs or devices to
20 be furnished or ordered under this section.

21 (2) Nurse practitioners who are certified by the board and hold
22 an active furnishing number, who are authorized through
23 standardized procedures or protocols to furnish Schedule II
24 controlled substances, and who are registered with the United
25 States Drug Enforcement Administration, shall complete, as part
26 of their continuing education requirements, a course including
27 Schedule II controlled substances based on the standards developed
28 by the board. The board shall establish the requirements for
29 satisfactory completion of this subdivision.

30 (h) Use of the term "furnishing" in this section, in health
31 facilities defined in Section 1250 of the Health and Safety Code,
32 shall include ~~(1) the both of the following:~~

33 (1) The ordering of a drug or device in accordance with the
34 ~~standardized procedure and (2) transmitting procedure.~~

35 (2) *Transmitting* an order of a supervising physician and
36 surgeon.

37 (i) "Drug order" or "order" for purposes of this section means
38 an order for medication which is dispensed to or for an ultimate
39 user, issued by a nurse practitioner as an individual practitioner,
40 within the meaning of Section 1306.02 of Title 21 of the Code of

1 Federal Regulations. Notwithstanding any other provision of law,
2 ~~(1) a~~ *all of the following shall apply:*
3 *(1) A drug order issued pursuant to this section shall be treated*
4 *in the same manner as a prescription of the supervising physician;*
5 ~~(2) all physician.~~
6 *(2) All references to “prescription” in this code and the Health*
7 *and Safety Code shall include drug orders issued by nurse*
8 *practitioners; and (3) the practitioners.*
9 *(3) The signature of a nurse practitioner on a drug order issued*
10 *in accordance with this section shall be deemed to be the signature*
11 *of a prescriber for purposes of this code and the Health and Safety*
12 *Code.*